

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
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SPECIAL CIVIL APPLICATION No 2851 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 No

NID KARMCHARI SANGH

Versus

GOVERNMENT OF INDIA

Appearance:

MR JOY MATHEW for Petitioners

MR MUKUL SINHA for NID Employees Association.

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 26/08/97

ORAL JUDGEMENT

Mr. Mathew submits that respondent No.1 is only a formal party and no effective relief is sought against respondent No.1. He seeks to delete the respondent No.1 from the array of respondents. Respondents Nos.2 and 3 are, therefore, re-numbered as respondents Nos.1 and 2 respectively.

The parties have produced the consent terms dated

26.8.97 duly signed by the petitioners Nos.1 to 3 and the contesting respondents i.e. The Executive Director of National Institute of Design and the President of NID Employees Association as also by their respective counsel. It is prayed by both the sides that this Special Civil Application may be decided on the basis of the agreed terms. The consent terms dated 26.8.97 produced by the parties shall remain on record. The consent terms are as under:

- "1. Respondent NID will give one grade change to all its employees who have not been given any promotion after 1.7.1985, but have completed 10 years of service as on 1.7.1995. This grade change will be given with effect from 1.7.1995, along with arrears thereon. Such grade changes would be granted only upto the grade 2000-3200 (old pay scale 650-1040) and no such grade change will be granted to the grade 2200-4000.
2. The employees who are given promotions/accelerated increments after 1.1.1985 and the same could not be implemented because of the stay granted by the Industrial Tribunal, Ahmedabad will be given accelerated increments / promotions as per the promotion orders issued by NID from time to time. Further NID will be at liberty to give promotions/accelerated increments, etc. based on evaluation from 1995 provisionally during the pendency of Reference (IT) No. 8 of 1983.
3. The Industrial Tribunal, Ahmedabad be directed to dispose of the pending Reference (IT) No.8/1983 within 6 months from today.
4. NID will complete all the formalities of giving these promotions and payment of arrears within 4 weeks from today, 26.8.1997.
5. These consent terms may be taken on record and petition be disposed of in terms of the consent terms. The interim relief granted by the Industrial Tribunal, Ahmedabad be modified to the extent of these consent terms."

This Special Civil Application is, therefore, allowed on the basis of the consent terms, as aforesaid, which shall be enforceable as if it is an order of the Court and the interim relief granted by Industrial Tribunal vide order dated 24.9.86 shall stand modified

accordingly. Special Civil Application is decided accordingly. Rule is made absolute in the terms, as aforesaid. No order as to costs.

Copy of this order shall be sent to the Industrial Tribunal at Ahmedabad for the purpose of pending Reference (IT) No.8 of 1983.